

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EUGENE DOUGLAS WYLIE
and BILLIE RAY WYLIE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DOUGLAS WYLIE and MARGARET WYLIE,

Respondents-Appellants.

UNPUBLISHED

December 14, 2006

No. 270614

Berrien Circuit Court

Family Division

LC No. 2004-000025-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

PER CURIAM.

Respondents appeal as of right from the order terminating their parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Id.* at 353; MCL 712A.19b(5). This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondents do not challenge any of the trial court's unfavorable factual findings, but rather assert that they might do better if given more time and more intensive services. Respondents cite *In re Jackson*, 189 Mich App 61, 70; 472 NW2d 38 (1991), to support this contention. The *Jackson* Court stated that, although the respondents were less than ideal parents, they loved their children. *Id.* This Court found that petitioner failed to prove by clear and convincing evidence that the conditions that led to adjudication would not be remedied within a reasonable time or that there was no reasonable expectation that the respondents would be able to provide proper care within a reasonable time. *Id.*

Like the respondents in *Jackson*, respondents here are less than ideal parents who obviously love their children. In this case, however, clear and convincing evidence was presented that respondents will not be able to provide proper care within a reasonable time

considering the children's ages. Here, petitioner intervened because Billie's teeth had rotted so badly that the pain drove him to tears, the gas was shut off at the family's residence, and Eugene was not going to school. The trial court found that both children had serious dental issues, which in Eugene's case probably meant total reconstruction of his mouth. Respondent's neglect of their parenting responsibilities also led to severe developmental and educational problems. One of the children was twelve years old and still in diapers merely because he did not want to use a toilet. The family's mobile home was crowded, often without a major utility service, and otherwise unfit. The father's employment history was seasonal, limited, and spotty. The mother was unemployed and remained unemployed despite assurances that she would seek work. Nearly two years after the court took jurisdiction, respondents had made no headway in developing effective parenting skills, the mother had only applied with two employers, the father had no employment of consequence, and the housing situation remained unaltered.

Don Perrin, the caseworker, indicated that he regularly told respondents how to improve their chances of having the children returned to their care, but respondents never implemented his suggestions or achieved the goals of the case plan. In light of the amount of time respondents were given to achieve basic goals, and considering their negligible improvement in that time, Perrin testified that respondents would not be able to meet the children's needs within a reasonable amount of time or any time in the foreseeable future. The summary he prepared for final termination proceedings echoed this sentiment.

The evidence that respondents failed to remedy the deficiencies in their parenting skills, employment, and housing supports the trial court's finding that respondents would not be able to provide proper care or custody within a reasonable time considering the children's ages and that there was a reasonable likelihood that the children would be harmed if returned to their care. Therefore, the trial court did not err in finding that clear and convincing evidence was presented warranting termination under MCL 712A.19b(3)(c)(i), (g), and (j).

At the time of the termination hearing, respondents were not able to provide for their children. Although there was a concern about how the children would react to the termination of respondents' parental rights, there was clear and convincing evidence that termination was in the children's best interests. Therefore, the evidence did not demonstrate that termination of respondents' parental rights was clearly not in the children's best interests. *In re Trejo, supra*.

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Alton T. Davis